

AGENDA MEMO

CITY COUNCIL MEETING DATE: OCTOBER 17, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-24021 - APPLICANT/OWNER: PARKWAY CENTER, LLC

** CONDITIONS **

Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Special Use Permit (SUP-23330) if approved.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

Public Works

3. The proposed off-premise (billboard) sign shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. The sign base shall not be located within existing or proposed public sewer or drainage easements.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance (VAR-24021) to allow an Off-Premise (Billboard) Sign with digital display to be erected 45 feet above the elevation of the Oran K. Gragson Freeway where 30 feet above the elevation of the freeway is the maximum height allowed on 2.55 acres at the northeast corner of City Parkway and Grand Central Parkway.

A cross section of the freeway and rear of the property submitted 08/21/07 shows the sign to be erected approximately 44 feet above the elevation of the freeway. This represents a deviation of 14 feet or about 25 percent from the height standard.

No obstructions to sight visibility when erected 30 feet higher than the elevation of the freeway are evident; therefore, as there is not deemed to be a hardship, staff recommends denial.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
11/23/98	The City Council approved a Rezoning (Z-0100-97) to PD (Planned Development) on the subject site as part of a larger request. The Planning Commission recommended approval. Included in that approval was the ability to maintain the existing Off-Premise Advertising (Billboard) Signs.
02/07/01	The City Council approved a Required Review [Z-0100-97(2)] on an approved Rezoning (Z-0100-97), which included the 13 previously existing off-premise advertising (billboard) signs on property bounded by U.S. 95, I-15, and Grand Central Parkway, subject to a one year review. The Planning Commission and staff recommended approval.
04/24/03	The Planning Commission approved a request for a Site Development Plan Review (SDR-2037) and waivers to the Parkway Center Design Standards for a proposed 73,218 square foot office building on 5.11 acres adjacent to the northeast corner of Grand Central Parkway and "F" Street. Staff recommended approval.
05/21/03	The City Council approved a Required Review (RQR-1974) for 12 Off-Premise Advertising (Billboard) Signs; one of the reviewed signs was located on the subject site.

10/21/04	The Planning Commission approved a request for a Review of Conditions (ROC-5347) Number 2 and 4 of an approved Site Development Plan Review (SDR-2037) which required parking and landscaping and conformance to the submitted site plan to allow for parking to be provided off-site, landscaping to be provided with future phases and the office building to vary from the approved plans for a proposed 84,201 square foot office building on 5.11 acres adjacent to the northeast corner of Grand Central Parkway and City Parkway. Staff recommended approval.
02/24/05	The Planning Commission approved a Required Review (RQR-5683) for eight Off-Premise Advertising (Billboard) Signs, one of which was located on the subject property.
05/18/05	The City Council approved a request for a Variance (VAR-5878) from the 750-foot separation requirement and the 10-foot freeway right-of-way setback requirement for a Off-Premise Advertising (Billboard) Sign; a Variance (VAR-6355) to allow a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign to be attached to the building where such is not allowed, at a height of 85 feet where 40 feet is the maximum height allowed; a Special Use Permit (SUP-5877) for a proposed 50-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign; and a Site Development Plan Review (SDR-5876) for a 15-story, 250,000 square foot office and commercial development and waivers from the Parkway Center streetscape requirements, build-to line, and exterior materials requirements on 2.55 acres at 110 City Parkway. The Planning Commission recommended approval of the billboard for a height of 71 feet; staff recommended denial. The Variance (VAR-6355) to allow the sign to be attached at 85 feet expired 05/18/07.
09/08/05	The Planning Commission approved a request for a Major Modification (SDR-7645) to an Approved Site Development Plan Review (SDR-5876) to allow a proposed 17-story building, including 300,000 square feet of office space and 25,000 square feet of retail space, and waivers of the Parkway Center Streetscape Requirements, build-to line, and exterior materials requirements on 2.55 acres adjacent to the northeast corner of City Parkway and Grand Central Parkway. Staff recommended approval.
09/20/05	The Parkway Center Architectural Review Committee approved the Major Amendment (ARC-9313) to an approved Site Development Plan Review (SDR-5876) to allow a 17-story development including 300,000 square feet of office space and 25,000 square feet of retail space with waivers from the Parkway Center Streetscape Requirements, Build-To Line, and Exterior Materials Requirements on 2.55 acres at 110 City Parkway.

07/11/07	The City Council approved an Extension of Time (EOT-21830) of an approved Special Use Permit (SUP-5877) for a proposed 71-foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign and an Extension of Time (EOT-21831) of an approved Variance (VAR-5878) from the 750-foot distance separation requirement between billboards and the 10-foot freeway right-of-way setback requirement for an Off-Premise Advertising (Billboard) Sign at 110 City Parkway. Staff recommended approval. The Variance and Special Use Permit will now expire 05/18/09 if not exercised.
09/13/07	The Planning Commission recommended approval of companion item SUP-23330 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #37/ss).
<i>Related Building Permits/Business Licenses</i>	
Month/date/year	Description
12/15/05	A building permit (#05008826) was issued for the foundation of the current structure on the site. The final inspection was completed 10/03/06.
01/17/06	A building permit (#06000302) was issued for a 265,000 square foot building (for Certificate of Completion) at 100 City Parkway. The permit expired 08/05/06.
02/13/06	A building permit (OTC-59396) was issued for a construction trailer at 100 City Parkway.
08/21/06	A building permit (#06005421) was issued for a parking structure at 100 City Parkway. The final inspection was completed 06/29/07.
08/21/06	A building permit (#06005420) was issued for a 265,000 square foot building (for Certificate of Completion) at 100 City Parkway. The final inspection was completed 07/17/07.
03/07/07	A building permit (#07000807) was issued for a buildout for Certificate of Occupancy of 100 City Parkway, Suite 160 for a 24-hour health club. The last inspection was conducted 08/22/07.
03/28/07	A building permit (#07001062) was issued for three electrified double-faced on-premise signs. The last inspection was conducted 05/08/07.
05/30/07	A building permit (#07001784) was issued for a Certificate of Occupancy for a bank at 100 City Parkway, Suite #120. The last inspection was conducted 07/12/07.
07/30/07	A business license (B03-00188) was issued for a bank at 100 City Parkway, Suite #120.

<i>Pre-Application Meeting</i>	
06/07/07	Requirements for a Special Use Permit application were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	
<i>Field Check</i>	
08/07/06	Construction of the west elevation of the parking structure appears complete. No signage (including off-premise signage) is visible except at the garage entrance. No landscaping is present except directly adjacent to the garage. The area behind the building is mostly dirt, but is terraced and bermed at the freeway.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	2.55

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office Building	MXU (Mixed Use)	PD (Planned Development)
North	US-95 Right of Way	US 95 Right-of-Way	US 95 Right-of-Way
South	Undeveloped	MXU (Mixed Use)	PD (Planned Development)
East	Casino	C (Commercial)	C-2 (General Commercial)
West	Commercial	MXU (Mixed Use)	PD (Planned Development)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
PD Planned Development District	X		Y
Downtown Overlay District (Parkway Center District)	X		Y
Airport Overlay (175 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Minimum Distance Separation Requirements:

Standards	Code Requirement	Provided	Compliance
Off-Premise Advertising (Billboard) Sign	Minimum 300-foot distance separation from any other off-premise sign	513 to W 513 to E 534 and 575 to N	Yes
Off-Premise Advertising (Billboard) Sign	Minimum 300-foot distance separation from nearest property line of a lot in the U or any R zoning district	Nearest U or R property is approximately 1,520 NW	Yes
Off-Premise Sign within 660 feet of right-of-way and which can be read from I-15, I-515, U.S. 95 or Oran K. Gragson Highway	Minimum 750-foot distance separation from any other off-premise sign along the same frontage	4 signs within 750 feet 513 E and W 534 and 575 to N	NO*

*There are four off-premise advertising (billboard) signs within the required 750 feet of the proposed off-premise sign. A Variance (VAR-5878) was approved to allow the proposed sign to be located within the 750-foot radius of these signs. The approval was subsequently extended to 05/18/09.

Locational Requirements:

Standards	Code Requirement	Provided	Compliance
Location	No off-premise sign may be located within the public right-of-way	On property owned by Parkway Center, LLC	Yes
Zoning	Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	PD District	Yes, allowed by Parkway Center standards
Area	No off-premise sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet. Max. advertising height 30 Max. advertising width 60	30Hx22W = 660 SF No embellishments	Yes

Height	No higher than 40 feet from grade at the point of construction, except within 150 of right-of-way of freeway may be constructed 30 above elevation of the elevated freeway nearest the sign	Elevation of freeway nearest sign = 2055 Elevation at base of sign = 2029 Requesting 70 from base to top of sign	Code allows Elevation of 2085 Elevation at top of sign = 2099 NO
Setback	Off-premise signs shall not be located closer than 10 feet to the ROW line of a freeway or closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways.	Set back 25 from ROW Greater than 50 to intersection	Yes
Screening	All structural elements of an off-premise sign to which the display panels are attached shall be screened from view.	Screened	Yes
Other	All off-premise signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Pylon sign attached to ground	Yes

ANALYSIS

Title 19.14.100 allows off-premise signs located within 150 feet of the right-of-way of an elevated freeway to be erected 30 feet above the elevation of the freeway nearest the sign. The elevation of the freeway nearest the sign is 2,055 feet above sea level; therefore, the maximum elevation of the sign allowed by Code is 2,085 feet above sea level. The proposed sign would extend 70 feet from grade, which is at an elevation of 2,029 feet above sea level. The top of the sign would therefore be at an elevation of 2,099 feet above sea level, a deviation of 14 feet or 25 percent from the maximum allowable height (56 feet from grade).

The previously approved Variance (VAR-5878) allows the sign to be constructed within the 750-foot separation radius between signs located within 660 feet of the right-of-way line of a freeway. However, since the additional height is required and there is no apparent hardship associated with the site, given the Codes allowance for 30 extra feet above the elevation of the freeway, staffs recommendation is for denial of the Variance request.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), the Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.

Additionally, Title 19.18.070(L) states:

Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to construct an off-premise sign 44 feet higher than the elevation of the adjacent freeway when no obstructions to sight visibility when erected 30 feet higher than the elevation of the freeway are evident. A lower sign height from grade would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the sites physical characteristics, it is concluded that the applicants hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 13

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 49 by City Clerk

APPROVALS 1

PROTESTS 0